

STATEMENT BY MINISTER
STATEMENT ON ISSUES SURROUNDING THE
APPOINTMENT OF A CHIEF ADMINISTRATOR TO THE
TOBAGO HOUSE OF ASSEMBLY
JUNE 28TH, 2023

Madam Speaker, I thank you for the opportunity to make the following statement. I am authorized by the Cabinet to make this statement of clarification on a matter of public administration. As you are aware, Madam Speaker, there are two aspects to the administration of Tobago. There is the Tobago House of Assembly (THA) which has its autonomy under the Act with all its rights and responsibilities and there are the residual responsibilities of the Central Government administered under Central Administrative Services, Tobago (CAST). Both of these arms of administration have as their head a Chief Administrator (THA) and Permanent Secretary (CAST) respectively. These are both public servants under the Act and jurisdiction of the independent Public Service Commission.

Madam Speaker, it also goes without saying that for peace, good order and progress to prevail in Tobago and also in Trinidad and Tobago, it is absolutely essential for there to be respect for each other and a good working relationship between all officers and agencies of state charged with these responsibilities. It is in recognition of this imperative that I, as Prime Minister, have always gone out of my way to harbor and foster a good working relationship with my colleagues and associates in Tobago and between the Central Government and the Tobago House of Assembly.

Notwithstanding the anticipated cut and thrust of the politics some recent developments in Tobago has not only raised eyebrows but have produced disintegration and discord followed by serious

allegations and some measure of anxiety and distress in some quarters. Throughout these periods of evolution the Central Government has been careful to keep a respectful distance whilst ensuring that everything is done to maintain the designated services to the people of Tobago. However, this did not prevent the authorities there, at the first opportunity, to seek to embroil the Central Government and especially the Prime Minister, in whatever difficulties they were experiencing at the moment.

It is in this environment that in an address to the Assembly last Thursday 22nd, June that the Chief Secretary in a fit of, hopefully genuine misunderstanding, made some very serious allegations against the Prime Minister and the Government of Trinidad and Tobago. It is the view of the Cabinet that such accusations and misinterpretations, if left unattended in the public mind and domain could grossly mislead the citizenry, not only in Tobago but across the nation, with grave consequences leading to the deterioration of the relationship between the people of Tobago and the rest of the nation.

Madam Speaker, it is common knowledge that until a designated officer is identified by the Public Service Commission for appointment to the post of Chief Administrator (substantive or acting) there is no role for the Prime Minister in these Public Service matters of ranking and selection. A proper interpretation of the law would show that in pursuance of an appointment to be made the Prime Minister's role only comes into being when the Public Service Commission identifies a designated officer and seeks to confirm from the Prime Minister whether he has an objection to the selection put forward by the Commission.

This is the first time that the Prime Minister is to be involved in the process to be followed immediately, as per the law, by consultation between the Chief Secretary and the Prime Minister.

It is clear, from the behaviour of the Chief Secretary, ascribing his own skewed interpretation to the consultative process, that the Chief Secretary does not have a proper understanding of the phrase “**designated officer**” the meaning of the phrase “**subject to**”, and the words “**selection**” and “**appointment**”. In thoroughly disregarding or misinterpreting these words and phrases the Chief Secretary has been driven to operate in the realm of conspiracy theories which seek to implicate the Prime Minister in a fleet of wrongdoing or suspicion for which the record will show there is absolutely no basis, once a clear understanding of the law is invoked.

The following allegations have been made and put unchallenged on the Tobago House of Assembly’s record by the Chief Secretary:

He alleged that in February 2022 the Prime Minister appointed Ms Ethlyn John as acting Chief Administrator without consulting the Chief Secretary in violation of the THA Act. At the onset it must be established that the Prime Minister has no power to appoint that officer, such is the sole responsibility of the independent Public Service Commission who in doing so is required by law to alert and inform the Prime Minister for certain conditions to be met.

He quoted liberally from his letter of March 10th 2022 to the Prime Minister but was deliberately silent on the existence of a letter to him from the Prime Minister of March 03, 2022 where the consultative process was initiated. The last line of that letter states that “In accordance with the provision of sub-section (4) of section 71 of the Tobago House of Assembly Act, Chapter 25:03, I wish to consult with you on the above-mentioned appointment.”

My letter of March 03, 2022 to the Chief Secretary, to initiate the consultative process, was an immediate response following the

notification on March 02, 2022 from the Public Service Commission of their selection of a designated officer.

This should make it quite clear that, as Prime Minister, there was no action or intention on my part to do anything other than responding, according to law, in the most expeditious manner. One could easily be led to conclude that the Chief Secretary omitted to mention the existence of this particular piece of correspondence from the Prime Minister to him because it was inconvenient to the case he wanted to make about Satanic behaviour on the part of the Prime Minister and disrespect to his Office and the THA in general.

The fact that the designated officer at the time attempted to assume duty before the actual appointment was finalized was unknown to me.

That office had participated in an unauthorized hand over before an actual appointment was made and to which the Chief Secretary quite properly objected. This was rectified by the Permanent Secretary in the Office of the Prime Minister by withdrawing the unauthorized officer once that development was made known to him as Head of the Public Service.

The situation was remedied by the acceptance of the Chief Secretary after conversation with the Prime Minister and the issuance of the requisite appointment letter by the Public Service Commission.

So contrary to what the Chief Secretary is now saying, no willful disregard was initiated or supported by the Prime Minister or the Office of the Prime Minister.

The raising of this matter now in his season of despair and the attaching of sinister, ulterior motives, such as introduced by the

Chief Secretary in the Assembly on June 22nd, 2023 is more than unfortunate. It is disturbing.

With respect to the accusation that a second instance of “no consultation, disregard and disrespect on the part of the Prime Minister” was imminent along with the development of the absence of a Chief Administrator, the Chief Secretary continues to misrepresent the role of the Prime Minister. Even after he was properly advised by the **Director of Public Administration (DPA)** that “the Commission had previously appointed an officer to act as the Chief Administrator from May 17th, 2023, :**“subject to consultation as provided for in the Constitution”**” the Chief Secretary continues to believe that no officer should be **designated** by the Public Service without prior consultation with the Chief Secretary. In fact, it is the Public Service action of identifying and designating the appropriate officer for consideration for an appointment that triggers that consultative process between the Prime Minister and the Chief Secretary.

In his haste to make damaging allegations against all comers, particularly the Prime Minister, the Chief Secretary is blinded to his own shortcomings which results in misleading of the population of Tobago and by extension Trinidad and Tobago.

The Acting Chief Administrator Ms Ethlyn John, retired on May 17, 2023 creating a vacancy in the THA to be filled by a designated officer to be appointed by the Public Service Commission only after the process is triggered by the Head of the Public Service.

The reminder correspondence on this issue was circulated between the outgoing Chief Administrator and the Head of the Public Service. This triggered communication between the Head of the Public Service and the Public Service Commission. It also

attracted the attention of the Chief Secretary who wrote in anticipation of selection and consultation taking place.

However, once again, the Chief Secretary in his intervention disregards the fact that a designated officer is not an appointed officer until an appointment is made and the Prime Minister is not brought into the process until such designated officer is identified by the Public Service Commission. Additionally it is the identification of the designated officer that requires the Commission in moving towards an appointment, as required by law, to seek a “**no objection**” from the Prime Minister. On receiving this notification from the Commission the Prime Minister is required to consult with the Chief Secretary before advising the Commission of the status of the designated officer. A “**no objection**” would see the Commission’s recommendation moving to an appointment being made. The corollary is that if, only for good lawful reason, the Prime Minister offers an “**objection**”, the Commission must cease the process and advance another officer for consideration.

Correspondence from the Public Service Commission dated May 16, 2023 and received by the Office of the Prime Minister the next day on May 17, 2023 indicated that Mr Ritchie Toppin, the Permanent Secretary at the Office of the Prime Minister – CAST had been designated as the officer to act as the Chief Administrator at the THA.

This letter would have ordinarily triggered the consultation process between the Prime Minister and the Chief Secretary before the appointment was formalized.

However, this letter was never advanced to me as Prime Minister because the Permanent Secretary received a letter of same date May 17, from the outgoing Chief Administrator THA informing him that a number of allegations of misconduct have been made

against the designated officer, Mr Toppin. The Public Service Commission being so advised, immediately withdrew its letter of May 16th which advanced Mr Toppin for consideration to the position of Acting Chief Administrator at the THA.

It is interesting to note that I was not aware of the letters passing between public officers when I met with the Chief Secretary in Tobago.

A letter dated May 15th from the Chief Secretary on the matter of the appointment and consultation process was received at my office on May 16th. We also communicated cordially by phone and subsequently met on May 22nd, in Tobago.

It is at this juncture that I should point out that quite separate and apart from any of these proceedings requiring my involvement I sought in my normal duties, on this said occasion, to meet with the Chief Secretary to discuss a development plan for Tobago which was to involve the THA with the support of the Central Government. During this meeting the Chief Secretary raised the matter of his preference for the officer that was mentioned in his letter of May 15.

Not knowing about the public service issues surrounding the withdrawal of PSC's letter I gave an undertaking to support the officer as advanced. That was the settled outcome. What I did not know then is that there was an interdiction of the PS at CAST arising out of the proceeds of an audit which was undertaken and spoken about quite frequently and passionately by the Chief Secretary himself. I also subsequently found out that a series of correspondence between the Head of the Public Service, Chief Administrator and the Permanent Secretary at CAST on this subject of the audit was taking place from as early as November 2022. (November 16, November 28th and December 01). These being routine Public Service matters the Prime Minister was in no

way involved and therefore could not influence the decisions in any persons favour, public officer or contractor, as recklessly stated by the Chief Secretary.

The outcome of these exchanges resulted in the suspension of the designated officer and the creation of the absence of a Chief Administrator because the Commission had to redo its selection process but was delayed in advancing this action due to being inquorate, a situation which was only rectified by June 12.

I want to make it abundantly clear that contrary to statements, insults, accusations and insinuations made by the Chief Secretary, that neither I nor my office have expressed any interest whatsoever, in obtaining his audit report for pleasure or for nefarious purposes as he described, namely “to assist friends of the Prime Minister” who the Chief Secretary accuses of criminal conduct.

At no time during any of our discussions, face-to-face or otherwise, did I ever discuss, or request any information from, or copy of, the audit to which the Chief Secretary frequently speaks. To the best of my knowledge no person in any of my offices or any officer reporting to me has ever sought to obtain information from the Chief Secretary about his forensic audit. Therefore, for the Chief Secretary to wantonly put on the record of the Tobago House of Assembly, that he will not give a copy or provide any information about his audit to the Prime Minister, because he is satisfied that such information is to be used by the Prime Minister to assist persons whom the Chief Secretary wishes to see face criminal charges and put behind bars, is scandalous in the extreme.

The Chief Secretary stating that he is satisfied that the Prime Minister wishes to have this audit to provide technical escape loopholes for his friends, is a slander most grave.

The issue of the THA being without a Chief Administrator for over a month is entirely an outcome that had as its origin the Commission's designated officer having to be withdrawn because that officer named in the May 16th correspondence of the Commission was concurrently named by the THA in its correspondence of May 17th, advising the Commission that Mr Toppin was the subject of allegations of misconduct and was being put on charges as effected in her letter.

In dealing with whether the Chief Secretary knew or was party to the actions of the Chief Administrator as it relates to the disqualification of Mr. Toppin, Chief Secretary Augustine makes it quite clear that such matters lie entirely in the hands of the public servants within the realms of the Public Service. However he is not prepared to accept that the Public Service matter of selecting a designated officer to become Chief Administrator is a matter that lies within the Public Service and for which the Prime Minister may have little knowledge and certainly no involvement until a **“no objection”** is required.

For the Chief Secretary to conflate these Public Service actions with his pet conspiracy theories in his battles against contractors and allow himself to put on the record in the Tobago House of Assembly, that the Prime Minister has some sinister interest in the selection and promotion of Permanent Secretary Toppin who he accuses of wrongdoing on behalf of contractors, is yet another instance of the Chief Secretary using the Assembly chamber to spread propaganda and slander against persons who have no recourse in that Chamber.

It is to be noted that the people of Tobago were first brought into the picture of these developments when the Deputy Chief Secretary, I presume with the sanction of the Chief Secretary, who was missing at the time, addressed the media and made it quite clear that the absence of a Chief Administrator was as a

result of Office of the Prime Minister not doing its job and was deliberately interfering with and undermining the THA.

The fact is that the first time the Prime Minister had anything to respond to was when a letter dated June 21, 2023 was issued, to make an appointment to fill the vacancy created by the retirement of Ms. John on May 17th. It is to be remembered that the May 16th correspondence was the first attempt by the Commission to have a designated officer identified to fill the vacant post of Chief Administrator by May 17th, 2023. This effort failed because of the intervention of the Assembly by way of the outgoing acting Chief Administrator, reporting to the Public Service on the content of the audit. Incidentally, as stated before, this was done on May 17th the last working day of the now retired acting Chief Administrator.

In my capacity as Prime Minister I received on June 22nd, 2023, from the Public Service Commission, correspondence dated June 21st advancing an officer to fill the vacancy of Chief Administrator. It should be noted that this is the first letter that I have received from the Public Service Commission advising of the vacancy and its intention to fill it.

Having had prior agreement with the Chief Secretary on the said officer now designated, I replied on June 23rd clearing the way for the Commission to finally appoint an acting Chief Administrator for the THA.

This appointment is being made in accordance with the provisions of sub-section (3) of Section 121 of the Constitution of the Republic of Trinidad and Tobago.

It is to be noted that contrary to the Chief Secretary's fulminations and confused state of mind there is no requirement for any consultation with the Chief Secretary before a designated officer is made known and available to the Prime Minister. It is only when

the Prime Minister receives correspondence identifying a designated officer that the law requires that the Prime Minister consults with the Chief Secretary prior to the appointment of the officer.

Madam Speaker, as a person of such vast experience and so familiar with the workings of the Public Service you and many of my colleagues in this Honourable House would know, it is not uncommon, because of the exigencies of the situation, for officers to be made to assume responsibilities in acting appointments long before the authorizing paperwork is completed. In 2015, as new Prime Minister, I was required to sign off on mountains of files at the Prime Minister's office, so that public officers in a variety of ranks and situations could be duly authorized and be appropriately paid for assumptions and work done as far back as 2013/2014. This was completed without any fuss or fanfare. However, in Tobago one has to be particularly careful since these exigencies may provide tinder for unnecessary conflagration if such opportunities and developments are deemed to be useful from time to time. The real danger is, Madam Speaker, that on every occasion that this happens it diminishes us all a little bit more and presents a clear and present danger for discord to prosper.

As for me and my Government we will follow the law and put the interest of the people of Tobago and the people of Trinidad first.

Finally Madam Speaker, so seriously do I take the slander and insinuations of the irresponsible Chief Secretary that as I make this statement of clarification and rebuttal I laid in this House today as a Paper, a comprehensive dossier of all the relevant correspondence in support of what I have said here today. I go further. If it can be truthfully shown by any of the authorities that I have mentioned or impacted here today, that I have misled this House I will immediately resign forthwith and hand over the reins

to another, in the interest of peace, good order and progress of the people whom I have continued to serve to the best of my ability.

Madam Speaker, I thank you and I thank all my colleagues in this House for your patience and attention.